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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,626	07/11/2001	Hideo Taka	35.G2852	7891

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EXAMINER

NGUYEN, MICHELLE P

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,626

Applicant(s)

TAKA, HIDEO

Examiner

Michelle Nguyen

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "said control circuit" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said control circuit" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,854,950 to Handa et al.

Handa et al. disclose an electronic apparatus (camera 1A) comprising:

a clock circuit (oscillation circuit 19) that generates a clock signal having clock signal pulses generated at a predetermined cycle (see Figs. 1, 2); and

a non-volatile memory circuit (storage circuit 33) that counts clock signal pulses generated by the oscillation circuit 19 and stores the counted clock signal pulses (see Col. 2, lines 4-7, Col. 4, lines 48-51, Fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,285,625 to Vogley.

Handa et al. do not teach the storage circuit 33 as discussed above with respect to claim 1 to comprise a ferroelectric memory but do teach the storage circuit 33 to comprise an EEPROM (see Col. 4, lines 50-1). However, as an EEPROM is a well known example of a nonvolatile memory, a ferroelectric RAM is also a well known example of a nonvolatile memory. Further, Vogley teaches the substitution of one nonvolatile memory for another, specifying EEPROMs and ferroelectric RAMs as examples among others, and thereby teaches EEPROMs and ferroelectric RAMs to be art-recognized equivalents (see Col. 7, lines 51-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute into the storage circuit of Handa et al. a ferroelectric memory for an EEPROM as taught by Vogley.

7. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claims 1 and 4 above, and further in view of U.S. Patent No. 4,825,233 to Kanai et al.

Although Handa et al. do not teach explicitly the camera 1A as discussed above with respect to claim 1 to comprise a control circuit, it is understood that a memory circuit requires a control circuit for enabling the storage and reading of data. Kanai et al. disclose a camera having a clock circuit and a corresponding memory circuit, thereby rendering the camera analogous to the camera 1A of Handa et al. (see Figs. 1, 2). Kanai et al. teach the camera to further comprise a control circuit which comprises a central processing unit (CPU 18) for controlling the camera, wherein the control circuit controls the memory circuit so as to count the clock signal pulses in response to the clock signal generated by the clock circuit (see Col. 59-66, Fig. 2). It would have been obvious, then, to one having ordinary skill in the art at the time the invention was made to incorporate into the camera of Handa et al. a control circuit as disclosed by Kanai et al. for enabling the storage and reading of data.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handa et al. as applied to claim 1 above, and further in view of Japanese Patent No. 06-250278 to Kitani et al. (computer-generated translation provided).

Handa et al. do not describe the camera 1A as discussed above with respect to claim 1, wherein a power supply battery for supplying power to the camera 1A is replaced. However, Kitani et al. disclose a camera comprising a clock circuit and a corresponding nonvolatile memory circuit, thereby rendering the camera analogous to

the camera 1A of Handa et al. (see Translation, Pg. 6, lines 25-33). Kitani et al. disclose the camera, wherein when a power supply (power cell 43) for supplying power to the camera is replaced, the nonvolatile memory circuit starts counting in a state in which a predetermined value is added to the memory contents of the nonvolatile memory circuit, thereby rendering a backup supply voltage unnecessary for maintaining accuracy during time-keeping (see Translation, Pg. 8, lines 4-13, Pg. 9, lines 4-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the camera of Handa et al. a memory circuit as disclosed by Kitani et al. for eliminating the need for a backup power supply while still maintaining accuracy during time-keeping.

9. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,854,950 to Handa et al. in view of U.S. Patent No. 6,285,625 to Vogley. See discussion above with respect to claims 1, 2 and 4.

10. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,854,950 to Handa et al. in view of U.S. Patent No. 4,825,233 to Kanai et al. See discussion above with respect to claims 1 and 3-5.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are provided to further show the state of the art with respect to clock and memory circuits in time-keeping devices:

U.S. Patent No. 6,353,713 to Takahashi et al.

U.S. Patent No. 6,334,030 to Mizumo et al.

U.S. Patent No. 5,862,421 to Suzuki et al.

U.S. Patent No. 5,606,391 to Aoki et al.

The following patent is provided to further show the state of the art with respect to nonvolatile memories including ferroelectric memories:


U.S. Patent No. 5,077,612 to Megrgardt et al.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Nguyen whose telephone number is 703-305-2771. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7723 for regular communications and 703-305-7723 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

mpn
June 20, 2002


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
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